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July 10, 2013

The Honorable Mignon Clyburn
Acting Chairwoman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

re: Application for Renewal of Station License of WWOR-TV
File No. BRCT-20070201AJT and MB Docket No. 07-260

Dear Acting Chairwoman Clyburn:

They've done it.

After years of slashing its budgets, staffing, and broadcast time, Fox Television Stations, Inc. ("Fox"), the licensee of WWOR-TV, has finally killed off the station's news division altogether. The only high-powered commercial television station in New Jersey-- a region that would be the fourth largest media market in the country if it were carved out from the New York and Philadelphia DMA's-- now carries absolutely no news programming. Fox's actions were announced last week, effective immediately, with no prior notice to the FCC or to the people of New Jersey.

It is sad-- but perhaps not surprising-- that this comes only a month after the passing of Sen. Frank Lautenberg. The late senator was a passionate advocate for better broadcast media coverage in his home state, and a long term critic of WWOR-TV's management for its failure to live up to its public interest obligations. With Sen. Lautenberg's voice now silenced, Fox seems to think that it can do as it pleases with WWOR-TV-- and that there will be no repercussions from Washington.

As outrageous as Fox's actions might be, they should come as little surprise to the Commission. In 2007, Voice for New Jersey ("VNJ") filed a petition with the Commission to deny the renewal of WWOR-TV's broadcast license. The petition clearly showed that the station's news programming (then amounting to one hour per day-- a small fraction of its peer average) was completely inadequate to fulfill the station's public interest obligations.

Things have only gotten worse in the intervening years. In 2009, Fox slashed WWOR-TV's already-deficient level of news programming by more than half.

With deep staffing cuts and a scant 2.5 hours of broadcast time per week, the station's news programming fell to less than 10% of its peer group average.

Fox concealed its 2009 actions from the FCC, misrepresenting its staffing levels and programming schedule in its filings with the Commission. VNJ provided clear evidence of these misrepresentations, and the Commission began an investigation of the issue.

Regrettably, the Commission has failed to act on both the issue of WWOR-TV's station license, and on its investigation of Fox's misrepresentations.

There has been no movement on the license renewal since a public hearing was held on the issue in November, 2007.

The Commission has also done nothing since it first issued its letter of investigation to Fox in February, 2011. In its April, 2011 response to this letter, Fox's replies to the Commission's questions were deliberately misleading. Furthermore, Fox refused-- on the flimsiest of pretexts-- to produce substantially all of the internal memoranda and correspondence that the Commission requested. All of these issues were thoroughly discussed and documented in letters to the Commission from VNJ dated August 1, 2011 and October 31, 2011.

Given this history, it is little wonder that Fox was emboldened to deprive more than 4 million New Jersey residents of their last shred of news programming.

We fully expect Fox to argue that its new program *Chasing New Jersey* is adequate to fulfill WWOR-TV's obligations to its viewers. VNJ strongly disagrees. While we have long argued that WWOR-TV would benefit from more public affairs programming, this should appropriately supplement-- not replace-- the station's news offerings. The unique nature of the New Jersey media landscape-- with only one high-power commercial television station to serve a huge and diverse market-- makes it unfathomable that the station's public interest obligations can be met in the complete absence of any news programming.

As we write this, only the first broadcasts of *Chasing New Jersey* have aired, and it would be premature to judge the program's quality. Still, what's been aired thus far gives little reason for optimism. With the premiere episode containing segments like "*Wheelie Bad Boyz*" (a discussion of "ATV-riding cowboys" in Trenton) and "*Help! Daddy's a Nazi!*" (this really needs no explanation) we suspect that the program may fall short of its "*News. Politics. Investigations. All the news without the fluff.*" tagline.

(We would note in passing that *Chasing New Jersey* may serve as both a prototype and a test case for Fox. Media reports of filings with the U.S. Patent and Trademark Office indicate that Fox has registered for trademarks of

“Chasing Seattle,” “Chasing Texas,” “Chasing Florida,” “Chasing San Francisco,” “Chasing Charlotte,” and “Chasing America.” With the exceptions of Seattle and San Francisco, Fox owns and operates a station in each area. If the FCC fails to require that Fox maintain news programming in New Jersey to meet its public interest obligations-- and Fox clearly expects that to be the case-- Fox would logically conclude that it can shut down local news operations throughout the country, to be replaced with “Chasing” programs.)

It is not too late for the Commission to compel WWOR-TV to fulfill its obligations. The Commission can still deny renewal of the station’s license, or renew the license subject to specific programming and reporting requirements designed to protect the public interest.

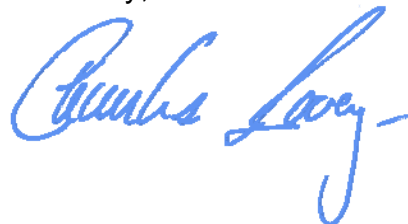
The Commission can also act on 21st Century Fox’s (formerly News Corporation’s) violation of the FCC’s media ownership rules. The waivers that allowed cross-ownership of WWOR-TV, WNYW(TV) and The New York Post expired in 2008. Given the company’s sordid history of illegality overseas, and its failure to meet its public interest obligations here, it is hardly a worthy candidate for ongoing dispensation from rules designed to protect competition, diversity, and localism.

Finally, the Commission can still demand appropriate document production and disclosures relative to its ongoing investigation of Fox’s misrepresentations.

Fox’s latest action shows more clearly than ever its utter disregard for its public interest obligations, and its contempt for the Commission’s authority. VNJ has urged the Commission to action several times over the last few years, to little apparent effect. Still, it seems to us that we are now at a critical juncture. If Fox’s recent behavior does not give rise to a meaningful response from the Commission, we despair that anything ever will.

Please show us that there is still some reason for hope that the people of New Jersey will one day get the news and public affairs programming that they deserve.

Sincerely,



Charles Lovey, Member
Voice for New Jersey

copy (via email): Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
William T. Lake, Media Bureau Chief
Fox Television Stations, Inc. via its counsel,
Antoinette Cook Bush and Jared S. Sher
(also via regular mail)